

INQUIRY CONCERNING A) Supreme Court
JUDGE, NO. 02-487) Case No. SC03-1171
_____))

The Florida Judicial Qualifications Commission,
pursuant to the Order Scheduling Hearing and Prehearing
Conference dated June 18, 2004, hereby objects as follows:

Colonel John Powers, United States Air Force
Colonel Howard Donaldson, United States Air Force
Lieutenant Colonel Lauren Johnson-Naumann,
United States Air Force

2. To the Respondent's Third Pre-Hearing Statement exhibit list on the ground that the following depositions and affidavits are of witnesses who are subject to the subpoena power to appear at the hearing:

Deposition of Lorraine Nasco (11/05/03)
Affidavit of Lorraine Nasco (04/04/03)
Affidavit of Lorraine Nasco (06/27/03)
Affidavit of Lorraine Nasco (08/31/03)
Deposition of James W. Bartoszak and Exhibits
(12/10/03)
Affidavit of James W. Bartoszak
Deposition of Sylvia B. Morgan (12/10/03)
Affidavit of Sylvia B. Morgan (06/26/03)
Deposition of Michael S. Musial (12/10/03)
Affidavit of Michael S. Musial (09/02/03)
Deposition of Dolvin W. Todd, Jr. (12/10/03)
Affidavit of Dolvin "Bill" Todd (08/13/03)
Declaration of Bradley D. Lutz
Declaration of Becky Stafford (08/16/04)
Affidavit of Kenneth E. Lawson (11/14/03)
Affidavit of Lt.Col. James S. Russick (08/05/03)
Affidavit of John Sebastian Vento (08/05/03)
Affidavit of James J. Cusak, Esquire
Affidavit of Clifton Curry, Esquire
Affidavit of Patricia Anderson Fields, Esquire
Affidavit of Sharon Morgan Vollrath, Esquire
Affidavit of Jerry Hill

3. To the Respondent's Third Pre-Hearing Statement on the grounds that the following affidavits are hearsay, contain inadmissible opinion testimony and, to the extent that they purport to provide character evidence, go beyond what is permissible under Florida Evidence Rule 90.405. In addition, the affidavits of Det. James W. Bartoszak and Dolvin "Bill" Todd should be stricken because at their depositions they refused to answer questions regarding statements made in their affidavits:

Affidavit of Colonel Mary V. Perry

Affidavit of Lieutenant Colonel Dixie A. Morrow
Affidavit of Colonel Glenn L. Spitzer
Affidavit of Lieutenant Colonel Daryl E. Trawick
Affidavit of Lieutenant Colonel Kirk Granier
Affidavit of Lieutenant Colonel John S. Odom, Jr.
Affidavit of Sharon M. Vollrath
Affidavit of Colonel (Retired) Howard L.
Donaldson
Affidavit of Clifton C. Curry, Jr., Esquire
Letters of Kevin C. Ambler, Major,
United States Air Force Reserve
Affidavit of Patricia F. Anderson, Esquire
Affidavit of M. Blair Payne

4. The Florida Judicial Qualifications Commission reserves the right to object to the following witnesses on the ground that the identity of the witnesses was disclosed for the first time in the Third Pre-Hearing Statement and there has been no opportunity for discovery as to what testimony they might give:

T. Crowe, Ph.D.
Bruce Dekraker
Allen Cohen
David Greetham

5. The Judicial Qualifications Commission reserves the right to object to the following exhibits which have not been previously produced:

Adobe Photoshop Manual
Course Materials for the Air War College
Gregory P. Holder's Air Force Active Duty Records
Gregory P. Holder's Application for Federal

Judgeship
Lorraine Nasco's Attendance Records at Courthouse
Computer files on Courthouse computers and
backup tapes, and printouts related thereto
Judicial Automated Data System Meeting Recap
(November 16, 2001)

INVESTIGATIVE PANEL OF THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION

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- and -

BEDELL, DITTMAR, DeVAULT, PILLANS &
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Professional Association

By _____

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Special Counsel to the Florida
Judicial Qualifications Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to each of the following by facsimile and United States mail this _____ day of September, 2004.

Honorable John P. Kuder
Circuit Judge
Judicial Building
190 Governmental Center
Pensacola, FL 32501

Chairman of the Hearing Panel

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